UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

LARRY SPARKS,

                    Plaintiff,

                                                Case Number 04-10332-BC
v.   Honorable David M. Lawson
                                                Magistrate Judge Charles E. Binder

COUNTY OF SAGINAW, SAGINAW POLICE
DEPARTMENT, MARK SCOTT, JASON BALL,
SAGINAW COUNTY BOARD OF
COMMISSIONERS, and CITY OF SAGINAW,

                    Defendants.

_____/

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND DISMISSING CASE WITH PREJUDICE

This matter is before the Court on the report issued by Magistrate Judge Charles E. Binder

on July 21, 2005 pursuant to 28 U.S.C. § 636(b)(1)(B) and E.D. Mich. LR 72.1 recommending that

the Court dismiss the complaint in this case pursuant to Federal Rule of Civil Procedure 41(b) and

Local Rule 41.2 because the plaintiff has failed to meaningfully prosecute his lawsuit and has not

complied with the magistrate judge's orders. Although the magistrate judge's report explicitly stated

that the parties to this action may object to and seek review of the recommendation within ten days

of service of the report, the plaintiff did not file any objections. The plaintiff's failure to file

objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit*

Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to

object to the magistrate judge's report releases the Court from its duty to independently review the

motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and

conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation [dkt

12] is **ADOPTED**, and the complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: August 17, 2005

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on August 17, 2005.

s/Tracy A. Jacobs
TRACY A. JACOBS